



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 14, 1998

Ms. E. Cary Grace  
Assistant City Attorney  
City of Houston  
Legal Department  
P. O. Box 1562  
Houston, Texas 77251-1562

OR98-2424

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 118761.

The City of Houston Police Department (the "department") received a request for "the full report, location # 96006914," concerning an accident on January 31, 1996 involving the requestor. In response to the request, you submit to this office for review the information at issue. You state that "the requestor satisfies the requirements for release outlined in the Transportation Code." However, you ask whether certain marked/highlighted information must be withheld from disclosure under section 552.130 of the Government Code. We have considered the exception and arguments you have raised and reviewed the submitted information.

The Seventy-fifth Legislature added section 552.130 to the Open Records Act which governs the release and use of information obtained from motor vehicle records. Section 552.130 provides in relevant part as follows:

(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state[.]
- (2) a motor vehicle title or registration issued by an agency of this state; or

(3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

On this basis, we have concluded that governmental bodies must withhold the driver's license number and motor vehicle data from a document containing such information. However, the outcome is different if the requested information is found in an accident report form completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report).

The Seventy-fifth Legislature repealed V.T.C.S. article 6701d, and amended section 550.065 of the Transportation Code concerning the disclosure of accident report information. Act of May 29, 1997, 75th Leg., R.S. ch. 1187, 1997 Tex. Sess. Law Serv. 4575 (Vernon), (to be codified at Transp. Code § 550.065). However, a Travis County district court has issued a temporary injunction enjoining the enforcement of the amendment to section 550.065 of the Transportation Code. *Texas Daily Newspaper Ass'n, v. Morales*, No. 97-08930 (345th Dist. Ct., Travis County, Tex., Oct. 24, 1997) (second amended agreed temporary injunction). The current status of accident report information prior to the enactment of S.B. 1069 is governed by section 47 of article 6701d, V.T.C.S. Under this provision, a law enforcement agency "is required to release" a copy of an accident report to a person who provides the law enforcement agency with two or more pieces of information specified by the statute. We also note that information specifically made public by statute may not be withheld from the public pursuant to the exceptions to required public disclosure listed in the Open Records Act. Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). *See also Houston Chronicle Publ'g Co. v. Woods*, 949 S.W.2d 492, 497 (Tex. App.--Beaumont 1997, orig. proceeding) (where language of statute making information public is unambiguous, such information must be released "without any exceptions").

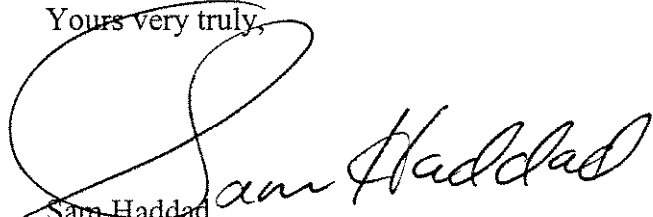
As you have noted, the requestor, in this case, has provided the department with the date of the accident, the name of a person involved in the accident, as well as the location of the accident. Thus, under section 47(b)(1)(D) of article 6701d, V.T.C.S., you are required to release the accident report *in its entirety* to the requestor. The driver's license and motor vehicle information should not be redacted from the accident report form<sup>1</sup>

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<sup>1</sup>We further note that section 552.023 grants an individual or an individual's representative access to information that is otherwise excepted from required public disclosure based on a law that protects that individual's privacy interests. *See* Open Records Decision No. 587 (1991). Since some of the marked information concerns the requestor, section 552.130 would not be applicable to that information based on section 552.023.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/ch

Ref.: ID# 118761

Enclosures: Submitted documents

cc: Ms. Jodie Slentz  
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(w/o enclosures)